

The Military Forces of the Republic.

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AN ADDRESS

DELIVERED BEFORE

THE SOCIETY

—OF THE—

ARMY OF THE POTOMAC

—AT ITS—

ANNUAL REUNION,

ALBANY, N. Y.

JUNE 18, 1879,

By JOSEPH R. HAWLEY, M. C.,

Of Connecticut; late Brig. and Brevet Major-General U. S. Vols.

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WASHINGTON, D. C.:  
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## NOTE.

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The Annual Reunion of the Society of the Army of the Potomac, at Albany, June 18, 1879, was one of the most successful of these notable and most enjoyable affairs. More new members enrolled themselves than at any previous meeting since the first. At 2 P. M., the society was escorted to Tweddle Hall by the "Red, White, and Blue Battalion," composed of the Albany Burgesses Corps, the Old Guard of New York, and the Utica Citizens' Corps.

The beautifully decorated hall was crowded, and many ladies were present in the galleries. Music was furnished by Austin's 10th Regiment (New York) band, the large drum corps of Post No. 2, G. A. R., of Philadelphia, and the Soldier's Orphan Boy band, of the same city. The exercises were interspersed with the music of old songs, bugle and drum calls of the camp and the march, and national airs.

Major General W. B. Franklin presided. The Rev. Dr. Reese invoked the Divine blessing. S. W. Rosendale, Esq., City Attorney, representing the Mayor, welcomed the Society in behalf of the citizens of Albany, whose unbounded cordiality and hospitality made a deep impression. General Franklin responded heartily. The stage contained two large stacks of battle-flags, whose entry into the hall was greeted with a stormy welcome. Sitting by them were Generals Schofield, Franklin, Sickles, (chosen president of the society,) N. M. Curtis, J. C. Robinson, McQuade, Barnum, Sharpe, McMahon, Hartranft, Governor Van Zandt, of Rhode Island, Attorney-General Devens, and many others. Francis M. Finch, Esq., of Ithaca, author of "The Blue and the Gray," read a noble poem, "The Songs of the Guns." General Hawley delivered the following address. He is glad to say that his sentiments were heartily approved. He considers it rather an essay upon an important subject than an attempt at an oration. From the type used to provide slips for the press, he has printed a limited edition, chiefly for personal friends.

Gift-  
Mr. J. B. Hawley  
Aug 12 '20

## THE ADDRESS.

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MR. PRESIDENT, AND LADIES AND GENTLEMEN :

I certainly should have declined the honor of addressing you, if I could have foreseen that a few days after writing my acceptance Congress was to be summoned to three months of anxious and absorbing public duty ; and upon receiving the summons to Washington I should assuredly have begged for a release, had not everybody been anticipating an adjournment of Congress from week to week. I accepted, thinking at the moment that I had in my mind a topic that might prove interesting. That the discussions of the last three months have given it renewed interest formed no sufficient reason for laying it aside.

It is not out of place before this audience to discuss the Military Forces of the Republic, considered both in relation to foreign war and domestic violence, and their subordination to the civil authority. It is hardly necessary to assure you that in considering these topics it is not done with reference to anything that has been a subject of party debate. It seems quite certain that the true doctrine can be laid down in such manner as to command the assent of all thoughtful men, without entering upon the particulars that have given rise to heated party strife.

Within fifteen years after the close of our tremendous war, it may appear superfluous to insist upon the great duty of maintaining a thoroughly educated, disciplined, trained, effective national army. The reduction of our army from a million or more men in arms to 50,000, 40,000, 30,000, and 25,000 is one of the marvels of modern history. It is no less strange to find in the public prints and in the halls of legislation, sometimes among thoughtful, well-read men, the suggestion, if not the belief, that still further reductions might, and if they might, that they ought to be made. Those who recklessly

declare that we have no need whatever of any army are not worth regarding as an element in the discussion. It is altogether childish to prophesy that we are never to have war with any foreign power. It is almost equally foolish to say that we need not continue any precautions against civil war. The man would have been called a silly dreamer who had foretold in 1860 that the whole land was to tremble beneath the tread of a million and a half of soldiers, and battles were to be fought equal to those of Napoleon in the numbers engaged, the fierceness of the combat, and the magnitude of the interests involved. It is good to believe that the world has made some progress toward peace, but the spirit of injustice has not altogether departed from nations, nor has arbitration become an accepted remedy for international controversies. Our situation reduces largely the probability of war with the greater powers of the earth, but does not destroy the possibility. All the great and so-called Christian nations, save our own, are overweighting their peoples, crushing them to the ground beneath the burden of gigantic standing armies. All the resources of science are drafted into the service of rulers who are continually and fiercely struggling to surpass each other in the effectiveness of their means of offense and defense. To reduce or disband our armies, to dismiss West Point and Annapolis academies and make no attempt to garner up for ourselves improvements, inventions, and discoveries in the art of warfare, would be supreme folly. Can even the most unreasonable of the teasing critics of our national army deny this? If not, then certainly what is to be done in this regard should be energetically, thoroughly, and most completely done. We are glad to believe that the enlisted force need not be very large; but, while at 25,000 or 30,000 it may be sufficient for our purposes and ridiculously small in comparison with European armies, yet the more, therefore, is it the part of wisdom and economy that whatever we have should be the best possible, the most complete of its kind, and capable of rapid expansion.



Our academies can give us not more than 120 educated soldiers and sailors each year. It is hardly possible, therefore, that in case of a great foreign war, we could summon to the field 3,000 fully trained officers from the schools, even including those who will in the future, as they have most honorably in the past, come promptly from civil life at the call of their country. I do not underestimate—and one can hardly exaggerate—the value of the marvelous facility an American citizen has for converting himself into a useful and effective soldier, but this is inevitably a matter of time; and that he may so convert himself, the services of a trained corps of instructors and leaders are indispensable. I do not believe that great generals can be extemporized. The facts will show a few, but very few, who were not trained from youth in the study and practice of arms—very few generals who did not know from actual practice what is required of the captain of a company. It is hardly possible for a man who never marched or manœuvred on foot with his soldiers to comprehend the time required and the difficulties to be overcome in rapid and long marching and quick deployment over the obstacles of fence, and bog, and wood. From the growing ranks of our skilled civil engineers, engineer officers can be made; but that requires time. From our innumerable great manufactories of iron and steel, ordnance officers can be trained; but that requires time. Our foundries could in time cast us great guns, but it would require years to bring their work to an equality with foreign cannon. We have men enough of chemical and mechanical ingenuity who can learn to make torpedoes, but that requires time; and this branch of offensive and defensive warfare is assuming a most surprising importance. The superficial critic thinks mounted men can be summoned and mustered in a few days, but old soldiers know that it takes years of training to make a good cavalry corps. Every college boy takes a few lessons in the science of projectiles; but the art of compounding powder for small arms and heavy guns, the best methods of rifling and loading, the form and weight of

shot, large and small—all these things are incessantly being studied and tested by the brightest men that can be called into the service, in other nations. When war is made in these days, it is made quickly and with tremendous force. To be behind the times in any of these things is to be almost defenseless for months and to be at a disadvantage for years. No boasting about American ingenuity and energy will prove it otherwise.

I make a distinction between the warlike spirit and the military spirit. The former might prevail largely and completely dominate a people led away for the time by passion—by an unworthy motive, of whatever character; but the military spirit may rightly prevail in a people controlled by the most peaceful purposes. The gentleman skilled in the use of firearms, who could be prompt to defend his household, differs much from the prize-fighter and the reckless highwayman of the frontier. I would establish a high ideal of the American professional soldier; select for our academies the very flower of our youth, make the standard of admission high, and insist upon thoroughly keeping up to the mark at every stage, no more in matters of mere knowledge and intellectual power than in what goes to make a man of fine temper, high honor, and pure patriotism. In all matters of engineering and of ordnance—in all that pertains to the equipment of infantry and cavalry, small arms and artillery, what we have should be the very best that our people, fertile in invention, can devise and manufacture. Capable officers should be constantly gleaning, from books and by personal observation, the best fruits of foreign military progress. Enough of the munitions of war should be kept in store to supply a very considerable army instantly. Somewhere, in public arsenals maintained by the Government, and perhaps also in private manufactories, should be the machinery sufficient to manufacture with great rapidity the very best of arms.

Thus far we have not called for a very heavy annual expenditure or for anything beyond the exercise of the most



ordinary common sense as a national policy. If this be true, some other things follow necessarily. Having assented to and established a policy, it should be steadily adhered to with a reasonable financial economy, it is true, but in a spirit of generous, self-respecting confidence.

There has prevailed of late a most unjust, unreasonable, and unkind spirit, incessantly carping at the Army, alternately stopping and starting promotion, jealous of honorable rank, sucering at the compensation afforded, conveying to sensitive and honorable men who have devoted themselves to one of the noblest of professions, the impression that they are superfluities in peace—expensive and vexatious luxuries. Better teach the young men who are called to the study of arms, that they are the selected champions and vindicators of the nation ; that to be made a soldier of the Republic is to be called to a high and noble duty ; that the country has a right to demand of him industry, temperance, courage, profound respect and obedience to law, the finest sense of honor, and, when the time comes a cheerful and ready risk of his life. If he proves himself worthy of the profession, let him have the respect he has a right to command ; let him have ungrudgingly a reasonable, and even a liberal compensation ; let him be assured of a thoughtful consideration of his rank and advancement—a grateful, cordial acknowledgment of his services in war, and in old age an honorable retirement without petty grumbling over his declining usefulness. Let us have an army worthy of honor, or none at all, and if worthy of honor, let it have honor.

A regular army in a republic like ours can be but the nucleus of a very much greater possible force. The States are wisely forbidden by the Constitution to maintain standing armies, but it is right for many reasons that they should make it their constant policy to maintain a well-organized and effective militia. None of the calamities that have happened to other peoples are impossible to us. I can hardly conceive it within the bounds of any reasonable probability that a regular army will ever be seriously dangerous to the

liberties of the country ; but the time when there is no danger is the time to guard against the possibility of danger, and an effective militia in each state on the one hand, a compact Federal army on the other, and that patriotism and sound sense in the people, without which our Government is in any event a failure, reduce the dangers of armed force to a minimum. By the theory of the Constitution and by the letter of our law all men within the specified years and capable of bearing arms are enrolled in the militia, but the time when all such were summoned once or twice a year to the farce of a company and regimental muster has passed away forever, and it is the imperative necessity and duty of every State, if it excuses the majority of the enrolled militia from any active duty, to draw from such excuse the moneys sufficient to thoroughly equip and reasonably drill a compact, mobile, and effective force of at least some regiments and brigades and divisions, according to the population of such State. The same considerations in some respects apply to this that apply to the Regular Army. Whatever is to be done at all must be well done. Skeleton regiments of one or two hundred, shabbily equipped and clumsily drilled, making a jolly farce or a tipsy spree of a few days of nominal drill every year, are worse than nonsense. The experience of a number of our States since the war has shown that what is most desirable in this respect can easily be accomplished.

As time passes and the actual experience of many men becomes less and less available, there is a danger that the improvement in the militia may cease ; wherefore I urge the consideration and adoption of a thoughtful policy in this matter ; in the first place, the creation of a militia worthy of respect, and secondly the cheerful tender of that respect on the part of legislatures and the people. My own little State contains a very admirable organized militia, numbering something over 2,000. It is supported by a moderate tax levied on all men liable to military duty, but excused therefrom. It numbers about 500 for each representative in

Congress. If a militia of the same extent were maintained throughout all the States, there could be summoned to the march in twenty-four hours 145,000 completely equipped and admirably drilled soldiers, needing but a little of that indispensable experience which comes from the thunder of cannon, the whistling of bullets, and a few weeks of camping and tramping in all weathers to make them an invincible army whose numbers could easily be doubled under the same number of officers. Scatter through it 2,000 professional soldiers having at their fingers' ends all the military science of the world, pervaded by and communicating to those around them all the purest, finest and noblest aspirations of the true soldier, and what more could we desire? Situated as we are, fighting for an honorable purpose, waging a justifiable war, (and, indeed, I hope and believe we shall never be called upon to wage any other,) we should be ready for the world.

What I have said of the necessity of a constant state of preparation applies with even greater force to the Navy than to the Army. The fighting ships of modern times cannot be extemporized from the mercantile marine. We must maintain a Navy, and yet the best that we can do becomes antiquated year by year. Nothing remains then but a close calculation of what absolutely must be ready in case of instant conflict. An always ready judgment, modified from month to month as science developes the art of naval warfare, so that the best known vessels and ordnance in the world could be summoned to service with the day and night energy of our large manufacturers, must be, to a large extent, our substitute for a full navy.

I have had reference thus far to foreign complications or to such difficulties at home as might rise to the dignity of war; but there are other and exceedingly important considerations. The armed forces of the country, the Regular Army and the trained militia, may be, and sometimes are, called to duties far more disagreeable, yet equally essential to the maintenance of law and order and liberty. Every stable

and wise government has in view always the possibility of a resort to armed force against its own citizens. Besides those disturbances which rise to the dignity of insurrection or civil war, I refer to the lesser evils of domestic violence, coming down to the riot great and small, and all such infractions of law as break the public peace and surpass the power of the civil authority to suppress. Law and public sentiment ought to sedulously guard against a too prompt resort to the soldier, but it is equally an offense against sound practice to omit providing the ready means of vindicating law in the last emergency. We know too well what civil war means. In the earlier days of the Republic, the Shay's rebellion in Massachusetts, the whisky insurrection in Pennsylvania, the incipient treason of Aaron Burr, gave us serious warning. Not infrequently there are disorders, due to personal or local causes, overpowering the ordinary means of keeping the peace. The native American riots of Boston, the similar disturbances in Philadelphia and other cities, the Macready and Forrest riots in 1849 in New York, the terrible draft riots in New York in 1863, and the more widespread and much more serious railroad strikes and riots of 1877, are examples of what it were folly to say we need not expect again. As the nation grows in population, from its now forty-five millions to its fifty, sixty, and a hundred, the eddies, surges, and great tides of social, religious, and political agitation will occasionally break bounds. The Government, which respects itself and properly feels the immense responsibility of guarding the lives and property of its citizens, while it will painfully and reluctantly resort to armed force, and will first compel the civil authority to exhaust its resources, will nevertheless be ready at last to act with decision and overwhelming power.

The element of force has its indispensable place in any well-considered moral or political theory of government. To dally with the determined violators of law is supreme cruelty to the peaceable citizen. Severe as it sounds, it is mercy as well as justice to call at the proper time upon crushing, irre-

sistible, and if need be killing force, and this force must be ready; silent, slumbering perhaps, but ready, and it must be known to be so. The very knowledge of its existence is a repressing, peace-giving influence that cannot be over-estimated. In general it suffices. To publish to the nation that, under no circumstances, should the standing army or the militia be used to sustain the civil authority, would be to invite anarchy. The world is better than it once was. Education and christianity gradually give us a higher type of civilization, but after boasting of the nobility of human nature it is not a little mortifying to see what becomes of men when they pass beyond the bounds of organized and fortified civil law. The rush of the loose elements of the world to the gold-fields of Australia and California gave us some disagreeable illustrations, but the English and American, the old Anglo-Saxon instinct of organization, self-protection, and obedience to law, came to the rescue in advance of the formal law-giver and the sheriff. A government without force is a contemptible farce. Liberty means law; law implies order and implicit obedience. The difference between the law of the king and the law of the republic is, that the former is the will of one man, usually with much of regard to natural justice; while the latter is the will of the whole people, the common sense of most, the judgment of all men, who are supposed to know more than one man. The obligations and sanctions are equal in either case. That we are a democracy means none the less that our laws are to be absolutely obeyed without a question, than if they came from an irresistible despot. Liberty without law, justice, and obedience, is not liberty. The rule of the mob is the most terrible, insane, and merciless of all rule. Political philosophers, speculating upon the evils of a republic, prophesied that the multitude would have slight regard for laws of their own creation. Some of those philosophers, examining the American republic, have manifested a highly complimentary surprise to find that nowhere is law in general more regarded because it is law, than among us — and that is because it is



our own law. That which gives it strength is precisely that which some thought would give it weakness. The American citizen feels a sense of personal wrong and insult when law is insolently defied.

In the matter of danger to society from individual crimes, a republic cannot differ materially from a monarchy; but there are the painful possibilities of riots arising from social, communistic, or widespread and inflammable political tendencies, and from the prejudices of race, caste, and religion.

In protecting itself against wrongdoers society begins with the single constable of the ancient law, and a justice of the peace. Above the constable stands his superior, the sheriff, who comes to the scene when criminals resist with violence or in large numbers. And to the sheriff is committed a power almost without limit in the discretion of its exercise, but with law in the background, to measure afterward the wisdom of its employment. The magistrate and the sheriff have the right to summon to their assistance for the instant suppression of violence and the arrest of the offenders, all citizens of lawful age, (all above fifteen, under the ancient law,) of whatever grade or calling, within their jurisdiction, and to call them from all other duty. The summons permits no excuse, and justifies all necessary violence. By the ancient law of England, indeed, the sheriffs might arm themselves and all whom they summoned, and proceed to sacrifice life until order was restored.

The *posse comitatus* supplied in full the indispensable element of irresistible force. Indeed, prior to the time of Charles the First, in England there was little of what is known as a standing army. All men were armed under the law,—the general call upon the *posse comitatus* meant a call for armed men, and the sheriff was practically military as well as civil commandant.

“The establishment of guards and garrisons in the reign of Charles the Second led to their employment, under the orders of the Crown, in the discharge of police duties, and the introduction into the civil polity of England of such an in-



strument of coercion created a spirit of aversion toward the army and of suspicion toward the dynasty resting its authority upon such support. The law of England had made ample provision for preventing riots and disorderly meetings of the people and for their prompt and effectual suppression whenever they arose." By the common law every private person may lawfully endeavor, of his own authority, and without any warrant or sanction of the magistrate, to suppress a riot by every means in his power. He may disperse or assist in dispersing those who are assembled; he may stay those who are engaged in it from executing their purpose; he may stop and prevent others whom he shall see coming up from joining the rest. Not only has he authority to do this, but, as a good citizen, he is bound to do it to the utmost of his ability; and the justice of the peace, the sheriff or other magistrate, or any other subjects or citizens might arm themselves to suppress riots and rebellions or resist enemies; but it was advised that it was most discreet that every man should attend and assist the justices. By very early statutes of England, any two justices, together with the sheriff or under-sheriff of the county, were authorized and directed to come with the power of the county to arrest rioters.

With the decay of feudalism and with the neglect and final disuse of the laws compelling every citizen of lawful age to be constantly supplied with arms, reliance for the suppression of disorder was placed more largely upon such troops as the king had at his command, and then arose the long-continued struggle of Parliament against the assumed prerogative of the king to maintain a standing army of his own free will, resulting in the abdication of James the Second, the coronation of William and Mary, and the famous Bill of Rights, by which the king was forbidden to raise or keep a standing army within the kingdom in time of peace, without the consent of Parliament. Then followed the Mutiny act, the annually renewed act by which Parliament establishes the numbers of the army, and practically holds it

under the same control guaranteed to Congress by our Constitution. There is found constantly running through English history within the past two hundred years a strong, indeed an extraordinary prejudice, as it seems to Americans, against a standing army. That prejudice has passed away to a very great extent. The cause thereof was the misuse of troops beyond the reach of Parliament against the liberties of the people. As the people, through their Parliament, came to exercise full control over the numbers and pay of the army, they began to fear it less as an instrument of the King's will; but we inherit or borrow from our English ancestors and cousins a strong feeling that the use of the army against our own citizens while a duty, is nevertheless an odious and a disagreeable duty, as their highest authorities have themselves termed it.

The power of the sheriff to raise the *posse comitatus* remains, but with the disuse of arms among the people there came to be felt in certain emergencies a great want of the effective force of trained soldiers. Singularly enough, there is found no distinct provision in English statute law by which the relations of the soldier to the civil magistrate are governed. Special orders have been from time to time given, and it is well understood that troops must be furnished whenever the civil magistrate shall require. The standing instructions for the government of all officers liable to be called upon such for duty are very sagacious and humane. The officer is to hold himself entirely, rigidly, subordinate to the civil magistrate. In case he is compelled to resort to firing, the instructions are minute as to the manner in which it shall be done, and even the manner of his marching. He may try first one or two files, to see if they may not suffice. If they do not, he may add more. He must be careful not to fire a single shot more than may appear sufficient to restore order. He may not fire over the heads of those nearest, both because that might slay innocent persons and because he would thus embolden the wicked. It is another singular fact that there is no statutory authority in England for call-

ing out what is there styled the disembodied militia to act in support of the civil power. Yet they would be included, though in a disorganized condition, in the right of the sheriff or the magistrates to call the citizens, without distinction, to their support. Since 1769 the legality of employing military power in aid of the civil authority has never been seriously questioned.

Within the present century a new force has grown up to meet the public want. The Duke of Wellington in 1829 made the suggestion which led to the organization of the metropolitan police as known throughout the British Empire, and as copied in the United States. So much accustomed are the people of both nations to respect them as a great friendly power, essential to the preservation of peace, that one learns with surprise that at the origin of this force it was looked upon with suspicion, and encountered strong opposition. It was regarded as hostile to the liberty of the citizen, and a dangerous organization. A very eminent English writer remarks that had the police appeared as now with the military uniform and the spiked helmet, it is doubtful if their organization or presence would have been permitted. Yet their total numbers in the United Kingdom are greater than were those of the whole regular army in 1793. The metropolitan police, as known there and here, are almost a military force. They are selected men, thoroughly drilled and organized in a semi-military form, yet they are but the constables of the ancient law in uniform and constantly upon duty. They are permitted the club and revolver, to approach still more nearly the regular soldier, Wellington devised them as a counterpoise to the guards and because he shared the distaste of all soldiers for service against his fellow-citizens.

In the United States we have a divided soldiery with a divided relation to the civil power. The national Government has its sphere of duties and powers which, through great tribulation, have become tolerably well defined in the judgment of all patriotic men. It alone is authorized to

maintain a standing army, and within the defined limits of the law it may and must use that Army for the maintenance of proper national supremacy. Partly because of its having such force always ready, the States are authorized through their legislatures, or Governor, to call for its assistance in case of insurrection or domestic violence. There is no sense or reason in this country for the fierce prejudice against the National Army that had such a philosophical and natural foundation in England. Our Army is not the army of a king, maintained by his prerogative. It is maintained by our votes and direction, by taxes levied by ourselves upon ourselves. It is used and governed by an Executive and by officers who receive their commissions, their pay, and all their ordinances and regulations from us.

And yet it is not well that the people of our States should fall into an easy habit of relying upon national power in cases of domestic violence; wherefore it seems to me every one must admit the very great importance of a respectable and efficient militia. It was not agreeable to see, as we have seen within two years past, the executives of several States compelled to call upon the National Government for the scanty force of Federal troops kept on the Atlantic coast; but, on the other hand, it was extremely satisfactory to see that nowhere was a single soldier of the National Army assaulted, nor was it necessary for the smallest squad moving through the most violent tumults to fire a single shot. Wherever the national flag was carried by our boys in blue it was saluted with honor. It was received as a blessing by the well disposed citizens, and even the rioter would often grant it respect as an excuse for deviating from the dangerous course upon which he had started.

Naturally enough our course has been analogous to that of Great Britain. The militia in most of our States has fallen into a still more lamentable condition. The Constitution ordains that "Congress shall have power to provide for calling forth the militia to execute the laws of the Union to suppress insurrection, and repel invasions; and that it

shall provide for organizing, arming and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States, respectively, the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress." At the time of the organization of the Government Congress proceeded to discharge this duty by the enactment of laws adapted to the time, but the laws are as nearly useless as those that but a short time ago provided for arming all English youths with the bow and arrow. The statute of 1792 is still in force and published in the latest revised editions of the statutes. It prescribes that every able-bodied male citizen of the States over eighteen and under forty-five years of age shall be enrolled. You will be pleased to learn that every citizen who shall have notice of his enrollment, "shall be constantly provided with a good musket or fire-lock of a bore sufficient for balls of the eighteenth part of a pound, a sufficient bayonet, two spare flints, and a knapsack, a pouch with a box therein to contain not less than twenty-four cartridges suited to the bore of his musket or fire-lock, each cartridge to contain a proper quantity of powder and ball; or with a good rifle, knapsack, shot-pouch, and powder-horn, twenty balls suited to the bore of his rifle, and a quarter of a pound of powder," and shall appear so armed when called out. Each 'commissioned officer shall be "armed with a sword or hanger and spontoon."

With the enactment of that law and the urgent appeals of Washington and Gen. Knox for the organization of an effective militia, as well as the maintenance of a sufficient army, the interest of the country on the subject apparently ceased, save that in 1808 Congress made what was for the time the exceedingly liberal permanent appropriation of \$200,000 annually to provide arms and equipments for the militia. We have nearly seven times the population of 1808 and certainly more than twenty times the resources, but a proposition to appropriate three or four million of dollars annually for the militia, would be received with astonishment by Congress.



I have no expectation that anything I may say here will be heeded beyond the day of its utterance, but I follow in the footsteps of many illustrious predecessors in enforcing the duty of a well-organized militia. I do so because it would furnish the executives of the several States the means of enforcing law in nineteen cases out of twenty without any resort to Federal power, and thereby escaping many controversies and heartburnings. I do it because it is the duty of each State to maintain order within its own limits, and command respect for its own laws. I do it because it would excuse the National Government from the maintenance of a large standing army, and would afford the most economical and satisfactory preparation for a foreign war.

We perceive then that the indispensable element of force in civil government is supplied in this Republic, first, by the right of the sheriff and the justice of the peace to call upon the power of the county to summon every citizen above fifteen years of age to his assistance—to summon them singly or in bodies, armed or unarmed—and to beat down the enemies of public order after due warning at whatever cost of suffering or life. And in many of the States due provision is made by which the sheriff may summon to his aid the organized militia of his county fully armed and equipped under their proper officers. In cases of prolonged or greater disturbance the Chief Magistrate of the State goes to the rescue and with analogous powers summons to his aid the armed force of the whole militia if need be, theoretically every citizen between the ages of 18 and 45, with the arms which the law theoretically supposes him to have ready for service. By way of making the keeper of the peace, the simple constable, more powerful, and to avoid as far as possible a resort to the military power to maintain order in the larger cities, modern civilization has uniformed, and to some extent armed, the metropolitan police. In case of still further domestic violence and insurrection, the legislature, if it be in session, or if not, the Executive of the State, may call upon the President of the United States, who has at his ser-



vice for the restoration of order the militia of all the States and the land and naval forces of the United States. There is still another class of necessities calling for armed intervention. For the President is sworn to execute the laws. Many instances are specified in the statutes of his power to use the land and naval forces, and he is in general directed, in case of insurrections against State governments, upon proper application, to call for such number of the militia of any other State or States as he deems sufficient to suppress the insurrection, or to employ such part of the land and naval forces of the United States as he deems necessary. He has like authority whenever, by reason of obstructions, combinations, or assemblies of persons, or rebellion against the authority of the Government of the United States, it shall become impracticable to enforce by the ordinary course of judicial proceedings the laws of the United States, in general within any State or Territory. In accordance, therefore, with the declaration that, "We, the people, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity," establish the Constitution, Congress has, among other innumerable wise provisions pertaining to internal affairs, duly provided, in theory at least, for that indispensable backing and irresistible support, the military arm; and if there be one thing in relation to this that is more clearly understood than another by the American people, it is that the soldier is subordinate to the civil officer in the enforcement of law. Wherefore, I protest, as unjust to the Army and dangerous to the Government, against a false economy, and an unreasonable jealousy of the soldier and the profession of arms. I do not assume to fix the numbers of the national Army, or the numbers of our trained militia. Possibly, of the former, 25,000 or 30,000 may be sufficient. I trust it is in all matters concerning the protecting of the public property and the maintenance of our fortifications, and the keeping of the public peace. I have had serious

doubts when I perceived the very great labors and sufferings of our soldiers in repeated instances in those unhappy wars which it seems our fate to wage constantly with the Indians. Apparently sometimes it was thought improper to take advantage of this particular enemy, and that a force in no wise superior to his own ought to be sent against him. If there be two hundred Indians to be subdued, it is certainly more humane, and I shall reach some souls if I say more economical, to send against them a thousand men, who may prevail without any fighting, than to send three hundred who may lose fifty in a fierce combat. Certainly that is the policy of a wise general in ordinary warfare. If it be possible to gain his end without the sacrifice of men, by the display of an overwhelming force, he should be glad to do it. He is a murderer if he so measures numbers as to make an unnecessary fight.

To discourse upon the dangers to liberty of any such regular army as we have ever maintained or are likely to maintain in time of peace is an injustice to the American soldier and a lamentable misjudgment of the American citizen. That 25,000, or 50,000, or 100,000 regular troops, under the lead of an ambitious general, could overthrow the American Government is not within the limits of possibility; and if we may judge of the future by the past, there is even less likelihood that any great American soldier will ever undertake it. If he shall try it, we will send a constable after him. Beneath the millions of citizens capable of bearing arms in such an emergency, he would go down like a reed. Judged as a whole, we have had no more loyal and patriotic body of men in the country than the officers of the regular army. Even during the late great rebellion a larger proportion of them remained true to the flag than of any other class of men, executive, judicial, legislative, professional, or of whatever sort, even clerical. This ought to have been expected from their special education as the national champions, yet if one considers the legal doctrines taught those who were natives of the South, even in some measure creep-

ing into the law-books used at West Point, the surprise is that so few joined the rebellion. Still, in support of the proposition I am now urging, I can summon even the rebel West-Pointers themselves, for within their sphere they were without exception loyally subordinate to their own civil government.

Our standing army, dependent from year to year upon the appropriations of the Congress, officered by men who have slowly won their way to the head, promoted by the judgment of the Chief Executive, under the eye of a watchful people, and scattered from the Atlantic to the Pacific, from the Lakes to the Gulf, is in no respect likely to be subordinated to treasonable purposes. I speak of the officers. Observe, as to the privates, that there is no recorded instance of so much as a company's siding with the rebellion at its outbreak. And from its organization to this day the tone of the army has been that befitting soldiers and gentlemen. I admit exceptions, but they are certainly quite as few as any man has a right to expect of poor human nature. For one, during the late great war, I thought sometimes with a disagreeable apprehension of the multitude of personal quarrels that would break out everywhere after the cessation of hostilities. You and I knew many instances of wounded feeling and real or imaginary injustice, and naturally supposed that an occasion would be sought for some sort of redress of grievances by appeal to public opinion or the tribunals of the army. You have heard of a very few painful exceptionss, and on the other hand, one of the most satisfactory, gratifying, and honorable chapters of the history of that struggle records the friendships between our great leaders. I know nothing finer, as an example of personal friendship or of exalted patriotism, than some of the correspondence between Sherman and Grant, or of the devoted friendships of a majority of the noble band of chiefs.

No, we need fear no attack upon our liberties from any army that America will ever organize. The high aim of the soldier is subordinate to the civil authority, and if he indulges

in ambition outside of his profession, it is stimulated by the example of the generous confidence and high reward given many of his predecessors. Washington, Jackson, Harrison, Taylor, and Grant, of our Presidents, proved themselves in all things worthy of the highest respect of the American people, but in large degree they earned the preferment to which the triumphal voice of the people carried them by their services as soldiers; nor will any soldier of the American republic seek its high honors save by proving a noble devotion to the civil law, the Constitution, and the ancient rights and liberties of the people. I am not to-day elevating the soldier's calling above any other, but only vindicating it against certain false prejudices and trashy, but in some regard dangerous, talk that would degrade him in his own estimation, abolish the army, and nurse a bitter hatred of that element of force which all moral law teaches us must be held in reserve in any government. This is a government of the people, by the people, and for the people. But that government so made, once established, shall in no whit fail of the power and majesty accorded to any other. The Constitution, the laws, and the Union must be defended and maintained on every inch of space, in every second of time.

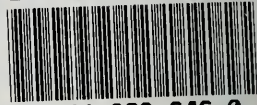








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